

A. G. Contract No. KR94 0968TRN  
ECS File No.: 94-87  
Project: N-900-554/H3219 01C  
Section: Oracle State Park

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
PINAL COUNTY, ARIZONA

THIS AGREEMENT is entered into 11/10/95, 1995,  
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-  
954, as amended, between the STATE OF ARIZONA, acting by and  
through its DEPARTMENT OF TRANSPORTATION (the "State") and PINAL  
COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS  
(the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes  
Section 28-108 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has delegated  
to the undersigned the authority to execute this agreement on  
behalf of the State.

2. The County is empowered by Arizona Revised Statutes  
Section 11-251 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has authorized  
the undersigned to execute this agreement on behalf of the  
County.

3. Incident to improvements to Oracle State Park  
contemplated by the State, for the safety and benefit of the  
motoring public it is necessary to construct a left turn lane on  
Mount Lemmon Road (park access road) and left and right turn  
lanes on American Avenue (park access road), perform pavement  
rehabilitation on Dodge Street (park access road) and make safety  
improvements on American Avenue at Mount Lemmon Road, in the  
County. The County has agreed to maintain the improvements on  
said access roads after construction by the State.

THEREFORE, in consideration of the mutual agreements expressed  
herein, it is agreed as follows:

NO. <u>19852</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>07/11/95</u>
<u>Jose R. Hull</u> Secretary of State
By <u>Vicky Crainwood</u>

## II. SCOPE OF WORK

### 1. The State will:

a. Provide design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate County review comments.

b. Call for bids and award one or more construction contracts for the work. Administer same and make all payments to the contractor(s). Be responsible for any contractor claims for extra compensation attributable to the State.

c. Upon completion, and with the concurrence of the County, approve and accept the work as complete.

### 2. The County will:

a. Review the design documents and provide comments.

b. Be responsible for any contractor claims for extra compensation attributable to the County.

c. Upon completion and acceptance by the State, provide maintenance to the improvements on Mount Lemmon Road, American Avenue and Dodge Street outside the park.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, unless assumed by another governmental entity, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

Pinal County  
County Manager  
PO Box 827  
Florence, AZ 85232

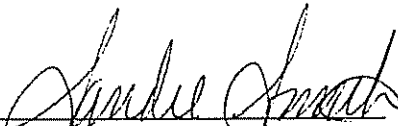
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

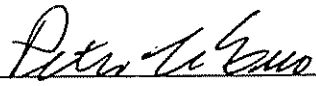
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

PINAL COUNTY, ARIZONA

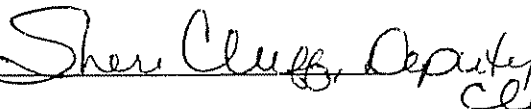
STATE OF ARIZONA

Department of Transportation

By   
SANDIE SMITH, Chairman  
Board of Supervisors 6/8/95

By   
PETER L. ENO  
Contract Administrator

ATTEST

By   
Clerk of the Board

JPA 94-87

RESOLUTION

BE IT RESOLVED on this 29th day of April 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with with Pinal County, Arizona for the purpose of defining responsibilities for the design and construction of improvements to the Oracle State Park access roads in the County.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Chief Deputy State Engineer for approval and execution.

*Larry S. Bonine*  
for: LARRY S. BONINE  
Director

**RESOLUTION NO. 60895-JPA-94-87****RESOLUTION OF THE PINAL COUNTY BOARD OF SUPERVISORS  
AUTHORIZING PINAL COUNTY TO ENTER INTO AN  
INTERGOVERNMENTAL AGREEMENT IDENTIFIED AS JPA 94-87 WITH  
THE STATE OF ARIZONA BY AND THROUGH ITS DEPARTMENT OF  
TRANSPORTATION**

**WHEREAS,** It is in the best interests of the County to have Mount Lemmon Road, American Avenue and Dodge Street, access roads to Oracle State Park, improved by the State; and

**WHEREAS,** it would be in the best interests of the County to define the responsibilities for the design and construction of improvements to said access roads and for the maintenance thereof.

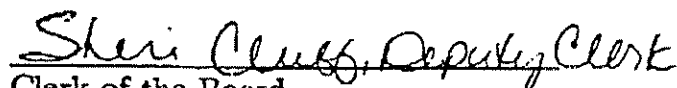
**THEREFORE, BE IT RESOLVED:** It is in the best interests of Pinal County to enter into intergovernmental agreement JPA 94-87 with the State of Arizona, by and through its Department of Transportation, to define the responsibilities for the design and construction of improvements to Mount Lemmon Road, American Avenue and Dodge Street, access roads to Oracle State Park, and the maintenance thereof.

**BE IT FURTHER RESOLVED:** Pinal County is authorized and shall hereby enter into said intergovernmental agreement with the State of Arizona, by and through its Department of Transportation, for the purposes stated above, and the Chairman of the Pinal County Board of Supervisors is authorized on behalf of Pinal County to execute said intergovernmental agreement.

**PASSED AND ADOPTED** this 15<sup>th</sup> day of June, 1995, by the Pinal County Board of Supervisors.

  
Chairman

**ATTEST:**

  
Clerk of the Board

**JPA 94-87**

**APPROVAL OF THE PINAL COUNTY ATTORNEY**

I have reviewed the above-referenced proposed intergovernmental agreement, between the State of Arizona, acting through the Department of Transportation and Pinal County, and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

**DATED** this 8<sup>th</sup> day of June, 1995.

GILBERTO V. FIGUEROA  
PINAL COUNTY ATTORNEY

Patricia A. Arie  
Deputy County Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR94-0968-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 6th day of July, 1995.

GRANT WOODS  
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath".

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:lsr  
8828G/80